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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,191	09/12/2003	Tilman Abel	2001P03156WOUS	8304
7590 05/04/2004			EXAMINER	
SIEMENS CORPORATION INTELLECTUAL PROPERTY DEPT. 170 WOOD AVENUE SOUTH ISELIN, NJ 08830			NGUYEN, HOANG M	
			ART UNIT	PAPER NUMBER
			3748	

DATE MAILED: 05/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/661,191

Applicant(s)

ABEL ET AL.

Examiner

Hoang M Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-33 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 14-33 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 09122003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 14-28, 32-33, are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. 5045272 (Lyman et al).

Lyman et al discloses a power system comprising steam boilers 16, a steam turbine, a condenser, preheaters 14, control valves 18, and valves 8, please note the specification, column 2, lines 55-68, Lyman et al clearly discloses that valves 18 can be used to control the bypass of fluid around the preheating unit 2. Also, the Examiner is taking the position that because there are many lines having preheater, valves, and boilers in parallel, one of said line can be considered as a diversion line being actuated by control valves 8, 18.

Claims 26-28, 32-33, are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. 4841722 (Bjorge et al). Bjorge et al discloses a system having a steam boiler 17, a steam turbine 29, a condenser 57, preheaters 65, control valves 49, 81, 83, 69,; valves 81, 63, can be used to control the bypass of fluid around the preheating unit 65.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14-25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. 4841722 (Bjorge) in view of DE 2164631. Bjorge discloses all the claimed subject matter as set forth above, but does not disclose a diversion line. DE 2164631 is relied upon to disclose that it's well known to have a diversion line 10 in parallel with a preheating unit line. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to add a diversion line in Bjorge as taught by DE 2164631 for the purpose of controlling the diverging fluid around the preheaters.

Claims 30-31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. 4841722 (Bjorge). Bjorge discloses all the claimed subject matter as set forth above, but does not disclose different temperatures and flow ratios. However, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to select different temperatures or flow ratios in Bjorge for the purpose of achieving appropriate work outputs.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Aguet, Steinegger, Keller, Ngo-Beelmann et al, disclose power systems comprising preheaters and bypass conduits.

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Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Examiner Nguyen whose telephone number is (703) 308-3477. The examiner can normally be reached on Monday--Thursday from 7:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Denion, can be reached on (703)-308-2623. The fax phone number for the Examiner is (703) 872-9302 for regular communication, and (703) 872-9303 for after final communication.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0861.

A handwritten signature in black ink, appearing to be 'H.M. Nguyen', followed by the date '04/30/04' written in a similar cursive style.

HOANG NGUYEN
PRIMARY EXAMINER
ART UNIT 3748

Hoang Minh Nguyen
4/30/04